



MIAMI BEACH

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City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
May 10, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Proclamation Marking National Tourism Week.
- PA2 Certificate of Appreciation/Commission on Status of Women, National Pay Equity Day. (Bower)
- PA3 Certificate of Appreciation/Women's Business Council of MBCC, Nat'l Pay Equity Day. (Bower)
- PA4 Certificates of Appreciation/(21) Quality of Education Members & PTA Presidents. (Bower)
- PA5 Proclamation Marking National EMS Week May 14-19, 2006.
- PA6 Proclamation Declaring National Public Works Week May 21-27, 2006.
- PA7 Certificates of Appreciation/"At Your Service Award" Winners for March & April 2006.
- PA8 Presentation of \$500,000 Grant to the Jewish Museum of Florida.
- PA9 Proclamation/Jewish Museum of Florida, "Jewish American Heritage Month." (Dermer)
- PA10 Certificate of Appreciation/Nick D'amato, Serving as this Year's Relay for Life Chair.
- PA11 Certificate of Appreciation/Gus Lopez, Coordinating the Relay for Life Golf Tournament.
- PA12 Certificates of Appreciation/(7) Members of Miami Beach Ocean Rescue. (Libbin)
- PA13 Proclamation/Harvey Rubin, Miami-Dade County Clerk of the Courts. (Libbin)
- PA14 Certificate of Appreciation/"Hands on Miami, Inc.," Dedicated Work with the City. (Gross)
- PA15 W-Certificate of Appreciation/Lynda Veski, 2005 Female Volunteer of the Year. (Dermer)
- PA16 Certificates of Appreciation/Boris Rodriguez & Valerie Rodriguez, Dedicated Service. (Dermer)
- PA17 **New Item:** Cert. of Apprec./Relay for Life Comm., Dedication to Fight Against Cancer. (Dermer)
- C2A Issue RFQ, Pre-Construction Services for Scott Rakow Youth Center Phase II Project.
- C2B Issue RFQ, A/E Services for Construction of Scott Rakow Youth Center Phase II Project.
- C2C Request Approval (Bid 06-05/06), Printing of MB Magazine & Recreation Review, \$162,135.
- C2D Issue RFP, Auditing Services To Examine City's Basic Financial Statements.
- C2E Approve Purchase, (1) 2007 Sterling LT7500 Truck Chassis w/ Yard Dump Body, \$77,915.

- C2F Approve Purchase, (1) Bobcat 5600 Work Machine w/ Attachments, \$32,546.73.
 C2G Approve Purchase, (2) 2006 Ford Focus Vehicles & (1) 2006 Ford Explorer 4x2, \$49,725.
 C2H Approve Purchase, (1) 2006 Ford Truck/(1) 2006 Ford Freestyle/(1) 2006 Impala, \$67,986.30.
 C2I Approve Purchase, (1) 2007 GMC Cab Over TT7500 Truck Chassis, \$88,879.
 C2J Request Approval (Bid 12-05/06), Waterway Resource Maintenance.
 C2K Request Approval (Bid 13-05/06), Supply & Delivery of Ford Meter Service Fittings.
 C2L Issue RFQ, Disaster Recovery Services (Road Clearance/Debris & Stump Removal, etc.)
- C4A Ref: Finance & Citywide Projects Comm. - Cost Analysis for Buying Hybrid Vehicles. (Gross)
 C4B Ref: Land Use & Dev. Committee - Ordinance re: Single-Family Residential Construction.
 C4C Ref: Land Use & Dev. Committee - Non-Conforming Status of Condo Conversions. (Bower)
 C4D Ref: Planning Board - Ordinance re: Historic Preservation Approvals Amendment.
 C4E Ref: Neighborhoods/Community Affairs Comm. - Dedication of Fire Station No. 4. (Garcia)
 C4F Ref: Neighborhoods/Community Affairs Comm. - Serving Foie Gras in CMB. (Steinberg)
- C6A Report: G.O. Bond Oversight Committee Meeting on April 3, 2006.
- C7A Proclaim May 15-19, 2006 Municipal Clerks Week.
 C7B Submit Grant Applications To Various Funding Agencies.
 C7C Reject All Proposals, Dry Cleaning & Laundering Services for CMB Uniformed Employees.
 C7D Issue (5) Certifications of Consistency To Douglas Gardens, Various Housing Programs.
 C7E Approve Settlement of City Liens on (Jose Acevedo) Property at 7746 Carlyle Avenue.
 C7F Ratify Emergency Purchases, Removal & Disposal of (26) Derelict Vessels.
 C7G Ratify Contract, Replacement of Floor & Driveway Improvements at Fire Station No. 1.
- C7H Set Public Hearing, After-the-Fact Revocable Permit for (Buckner) 6120 La Gorce Drive.
 C7I Ratify Emergency Expenditures, Emergency Debris Monitoring Services.
 C7J Ratify Contract w/ All Dade Fences, Inc., Fence Repair/Replacement in City Facilities.
 C7K Ratify Contract, w/ Warren Fence Co., Fence Repair/Replacement in City Facilities.
 C7L Ratify Payment, Provide Hurricane Debris Removal Services from the City Waterways.
 C7M Ratify Expenditures, Food/Beverage for City Employees Who Worked during Hurricanes.
 C7N Issue Certification of Consistency to MBCDC, Housing Units for Very-Low Income Elderly.
 C7O Execute Agmt, A/E Services for 10th St. Auditorium/Beach Patrol & Serpentine Walkway.
 C7P Issue Certification of Consistency to FIU, Community-Based Health Education Program.
 C7Q Donate (3) Fire Rescue Vehicles to Sister City of Ica, Peru. (Garcia) **(Moved from Regular)**
- R5A **10:45 a.m. 2nd Rdg**, Amend Prohibited Areas for Construction Noise & Provide Exceptions.
 R5B **5:01 p.m. 2nd Rdg**, Structures 50,000 Sq. Ft. & Over in I-1 Requires Conditional Use. **5/7**
 R5C **5:02 p.m. 2nd Rdg**, Process for Review of New Structures 50,000 Sq. Ft. & Over. **5/7**
 R5D **5:05 p.m. 2nd Rdg**, Flamingo Park Local Historic District Height Restrictions. **5/7**
 R5E **1st Rdg**, Flamingo Park Local Historic District - Reduction in FAR. **5/7**
- R7A **10:30 a.m. Open/Cont.**, Consider an After-the-Fact Revocable Permit, Raleigh Hotel.
 R7B **11:00 a.m.** Waive Bid, Renovation of Normandy Shores Clubhouse. **5/7**
 R7C **11:00 a.m.** Waive Bid, A/E Services for Normandy Shores Golf Course Clubhouse. **5/7**
 R7D **Joint**, Approve Amendment, Washington Avenue Improvements Project.
 R7E **10:35 a.m.** Approve Purchase of Flood/Property/Windstorm Insurance for City Buildings.
 R7F Approve Creating the "Biscayne Point Security Guard Special Taxing District."
 R7G Execute Amendment, Management Agreement for MBCC & Jackie Gleason Theater.
 R7H Ratify Emergency Expenditures, Disaster Recovery Services for Hurricane Katrina.
- R9A Board & Committee Appointments.
 R9A1 Board & Committee Appointments - City Commission Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C Donate (3) Fire Rescue Vehicles to Sister City of Ica, Peru. (Garcia) **(Moved to Consent)**
 R9D **10:15 a.m.** Request by Law Firm of Akerman Senterfitt for a Waiver of Conflict of Interest.
 R9E **Noon**, Committee of the Whole Meeting: FY 06/07 Proposed Operating Budget.
 R9F Discuss Possible Settlement of Risk Management Claims: Breaux and Poleyeff.
 R9G **3:00 p.m.** Discuss & Refer Amendment Allowing Cigar Vendors on Ocean Drive. (Garcia)
 R9H Discuss Allowing Dogs at Outdoor Cafes. (Steinberg)
 R9I **W-Discuss** Resolution Eliminating Ordinance re: Gas Stations Requirements. (Steinberg)
 R9J Discuss Progress Report on the Ad Hoc Condominium Reform Taskforce. (Garcia/Bower)

- R10A **Noon**, Notice of Closed Executive Session: FOP Contract Negotiations.
R10B **Noon**, Notice of Closed Executive Session: Breaux Vs. City & Poleyeff vs. Sevilla Beach.

- A City Attorney's Status Report.
B Parking Status Report - March 2006.
C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
D Status Report: Construction of Fire Station No. 4.
E Status Report on Normandy Isle Park & Pool Project.
F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report of Itemized Revenues/Expenditures of RDA City Center & S. Pointe - March 2006.
2A **Joint**, Approve Amendment, Washington Avenue Improvements Project.

Meeting called to order at 9:23:58 a.m.

Pledge of Allegiance led by Chief De Lucca.

Invocation given by Commissioner Matti Bower.

Supplemental Materials:

(C7B) Resolution, (R7A) Memorandum, (R7E) Additional Information and Resolution, and (R7H) Resolution.

Addendum items: C4E, C4F, C7P, R9G, R9H, R9I and R9J.

ACTION: Motion made by Commissioner Steinberg to add items C4E and C4F as emergency items to the Commission Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia.

ACTION: Motion made by Commissioner Steinberg to add item C7P as an emergency item to the Commission Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia.

ACTION: Motion made by Commissioner Bower to add items R9G, R9H, and R9J as emergency items to the Commission Agenda; seconded by Commissioner Steinberg; items added without objection; Absent: Commissioner Garcia.

10:38:24 a.m.

Jorge Gonzalez, City Manager, announced that Commissioner Garcia is at the Convention Center representing the City at the opening of a new convention. He added that Commissioner Garcia requested that item R9G be referred to the Neighborhoods/Community Affairs Committee.

Commissioner Steinberg stated that the Legal Department advised that agenda item R9H will require a change to the Land Development Regulations so it needs to be referred to the Planning Board. See action on Item R9H.

Presentations and Awards**10:13:24 a.m.**

PA1 Proclamation To Be Presented Marking National Tourism Week.
(Tourism & Cultural Development)

ACTION: Proclamation presented.

William D. Talbert III, GMCVB President & CEO, recognized Pat Morris, Jean Prescott, owner of the Alexander Hotel and first Vice-Chair of the GMCVB Board and Maria Sastre, Board Chair and Vice-President of Royal Caribbean (not present). He added that the City Commission had designated Luis R. Garcia, Jr., to sit on the GMCVB's Executive Committee and Jorge Gonzalez, City Manager, who provides continued guidance and he thanked them for their support. He also recognized Hilda Fernandez, Assistant City Manager, Max Sklar, Dennis Leyva, Michael Aller and Graham Winnick. He continued to explain that on Miami Beach in the year 2005 there was record tourism, from overnight visitors, resort tax and hotel occupancy to the creation of jobs which are supported and generated mostly from leisure and hospitality. He stated that part of the strategic plan is advocacy which includes the proposed enhancement of the Convention Center.

Fred Prescott, First Vice-Chair for GMCVB, spoke.

William D. Talbert III, GMCVB President & CEO, also recognized Doug Tober. On behalf of the Bureau, he presented Michael Aller - "Mr. Miami Beach" - with The Shining Star Award and a card as a special gift for his contribution to tourism in Miami Beach.

Michael Aller, Director of Tourism and Protocol, thanked the GMCVB for working well as co-partners with the City on tourism, Bill, David, Jeannie Gutierrez, on hurricane preparations, and the entire Convention Center and Convention Bureau staff. He added that the greatest tourism generator of interest in the world is Joe's Stone Crab and they have donated for National Tourism Week key lime pies for the City Commission to share.

Handouts and Reference Materials:

1. Color card titled "Why tourism is everybody's business..." 2005 Fast Facts.

9:41:09 a.m.

PA2 Certificate Of Appreciation To Be Presented To The Commission On Status Of Women In Honor Of National Pay Equity Day April 25, 2006.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented. Item heard in conjunction with PA3. **(See Action in PA3)**

Commissioner Bower explained that this year for the first time in Miami Beach, in recognition of National Pay Equity Day, a group of women and men dressed in red marched down Lincoln Road. She gave a brief overview of the genesis of this event. She recognized Debbie Leibowitz, on behalf of the Commission on Status of Women and Dona Zemo on behalf of the Chamber of Commerce.

Dona Zemo, Vice-Chair of the Chamber of Commerce, stated that they have come a long way; it was a great march and it will be repeated next year.

Debbie Leibowitz thanked in particular Commissioner Bower, Vice-Mayor Gross and Commissioners Libbin and Steinberg who supported them in the march.

9:41:13 a.m.

- PA3 Certificate Of Appreciation To Be Presented To The Women's Business Council Of Miami Beach Chamber Of Commerce In Honor Of National Pay Equity Day April 25, 2006.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented. Item heard in conjunction with PA2. **(See Action in PA2)**

Dona Zemo accepted the Certificate on behalf of the Miami Beach Chamber of Commerce.

9:32:05 a.m.

- PA4 Certificates Of Appreciation To Be Presented To (21) Quality Of Education Members, And PTA Presidents In Recognition Of Their Role In The Success Of The Miami Beach Feeder Pattern Public Schools And The Awareness About The Importance Of Quality Education.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificates presented.

Commissioner Bower read the names of the recipients: Cathy Bass, May Betancour, Alexandra Brown, Leslie Coller, Denise Formoso, Mercedes Garcia, Anita Grossman, Beverly Heller, Evelyn Lampner, Merri Mann, Perla Marfil, Flora Mian, Marta M. Montaner, Kay Pisano, Ana Patricia Ramirez, Michelle Rivera, Karen Rivo, Flor M. Schutz, Trici Swalina, and Jason Yedwab.

Karen Rivo thanked Commissioner Bower and Leslie Rosenfeld, City Liaison for the Committee for Quality of Education in Miami Beach. She also recognized the principals present in the audience for their support.

10:34:34 a.m.

- PA5 Proclamation To Be Presented Marking National EMS Week May 14-19, 2006.
(Fire Department)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, stated that the City Commission has directed the Administration to focus on ensuring the safety and cleanliness of the community. He added that safety implies, along with police officers, the men and women of the Fire Rescue Services who are there in time of emergency. He continued to say that the City has one of the best trained staff in the department; all of the equipment is Advance Life Safety and Basic Life Safety Certified. He explained that the Fire Rescue transports and responds to more than 17,000 calls per year and according to recent community surveys, 96% of residents responded positively with respect to this department.

Eric Yuhr, Assistant Fire Chief, representing the Fire and Rescue Department, spoke.

9:58:17 a.m.

PA6 Proclamation To Be Presented Declaring National Public Works Week May 21-27, 2006.
(Public Works)

ACTION: Proclamation presented.

Mayor Dermer thanked Fred Beckmann, Public Works Director, and his staff for an outstanding job. He has taken Public Works to a higher level since his arrival to the City.

Jorge Gonzalez, City Manager, stated that the Public Works Department is a comprehensive, full service department, which provides public safety and public works. He explained that sometimes they are the unsung heroes in the trenches and on the streets. He thanked Fred and his staff for the work they do for the City of Miami Beach and its residents. He added that in his opinion, Fred is the best Public Works Director the City has ever had; the department has grown dramatically since his arrival and they are now finalizing their accreditation process, which will bring national recognition to the organization, and he wished him much luck in that effort.

Fred Beckmann, Public Works Director, thanked the City Commission and the Administration for the proclamation and invited them to attend their traditional luncheon. This year's theme is "Public Works is The Heart of the Community." He explained that the Public Works staff and the work they performed is critical to the health, safety and quality of life of the residents of every city and county. The diverse workforce is the heart of the department, from registered professional engineers, to licensed contractors, plumbers, environmental specialists, to water, sewer, storm water, and street light workers; and from the managers and supervisors, to the sanitation and municipal service workers, they all contribute to the planning, design and construction of the City's infrastructures. This team takes great pride in doing the job well and in contributing to the overall City's mission and vision.

10:25:14 a.m.

PA7 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of March And April 2006.
(City Manager's Office)

ACTION: Certificates presented to Lori Freedline, Office Associate V, Police Department for the month of March.

Jorge Gonzalez, City Manager, explained the program. For the Employee of the Month for March he asked Lieutenant Kelly Reid to speak.

Lieutenant Kelly Reid stated that Lori Freedline, in addition to her regular duties, volunteered acting as a liaison and ambassador to the business and residential members of the community who join the Citizen's Police Academy. Lori is a wonderful host and has exemplary service skills. This year she was Civilian of the Year and recipient of the Community Service Award last month. The department is very proud of Lori.

Lori Freedline, OAV, Police Department, thanked Sergeant Paul Lupien for taking the time to acknowledge her efforts and Lieutenant Reid who has made a synergistic environment to work in with the training unit. She encouraged residents to join the Citizen's Police Academy.

"At Your Services Award" Winner for the month of April 2006 - Georgina Echert, Assistant Finance Director, Finance Department, was selected but unable to attend this meeting.

9:52:55 a.m.

PA8 Presentation Of A \$500,000 Grant To The Jewish Museum Of Florida.
(Tourism & Cultural Development)

ACTION: Grant presented. Item heard in conjunction with PA9. **(See Action in PA9).**

Marsha Kerstein Zeriwitz, Executive Director, Jewish Museum, gave thanks to the City Commission, Jorge Gonzalez, City Manager, and the entire staff, for working together and making this happen in a relatively short amount of time. She added that the Jewish Museum of Florida is known as the jewel of Miami Beach and by preserving and restoring the first synagogue of Miami Beach, it makes it even brighter for the quality of life of residents and tourists.

9:50:04 a.m.

PA9 Proclamation To Be Presented To The Jewish Museum Of Florida, Recognizing The Museum As The Birthplace Of "Jewish American Heritage Month."
(Requested by Mayor David Dermer)

ACTION: Proclamation presented. Item heard in conjunction with PA8. **(See Action in PA8).**

Mayor Dermer stated that on April 20, 2006, President George W. Bush issued a proclamation designating May 2006 as Jewish American Heritage Month, and that was a difficult thing to accomplish. Congressman Debbie Wasserman Schultz was instrumental in getting this accomplishment, along with other individuals from our community, such as Stanley Tate, Jimmy Resnick and Michael Aller, and they were all recognized for making this happen at the celebration at the Jewish Museum. He added that through the efforts of Marsha Kerstein Zeriwitz, Executive Director of the Jewish Museum, the museum and the people mentioned today are proud of her and proud that Miami Beach is the birthplace of this National Day.

Marsha Kerstein Zeriwitz, Executive Director, Jewish Museum, spoke.

10:29:05 a.m.

PA10 Certificate Of Appreciation To Be Presented To Nick D'amato For Serving As This Year's Relay For Life Chair For The City Of Miami Beach.
(City Manager's Office)

ACTION: Certificate presented. Item heard in conjunction with PA11. **(See Action in PA11).**

10:29:05 a.m.

PA11 Certificate Of Appreciation To Be Presented To Gus Lopez For Coordinating And Chairing The First-Ever Relay For Life Golf Tournament At The Miami Beach Golf Club.
(City Manager's Office)

ACTION: Certificate presented. Item heard in conjunction with PA10. **(See Action PA10).**

Ramiro Inguanzo, Chief of Staff, City Manager's Office, stated that this is the fourth year that the City of Miami Beach participated in the Relay for Life fundraising event to benefit the American Cancer Society. He added that each year the City has continued to raise funds and this year the record amount was \$40,000, primarily raised through events coordinated through various departments, and for the first year ever a golf tournament was coordinated, which raised about \$25,000. He recognized employees and their committees who participated in the fundraiser and this year's Chairperson, Nick D'amato, as well as Gus Lopez, who came up with the idea of the golf tournament.

Terry Prager, Committee Chair, spoke. She thanked everyone for their hard work and the Delano Hotel for their support, as well as Randy Weber who made the golf tournament happened.

Jorge Gonzalez, City Manager, recognized Nick D'amato, Relay for Life Chairperson, and Gus Lopez, Golf Tournament Chairperson.

Nick D'amato thanked all the departments who pulled together to raise funds for this event.

Gus Lopez, Procurement Director, stated that the success of the golf tournament event was due in large part to Randy Weber's involvement, Terry Prager and others who spent countless hours in putting a series of events together.

10:07:33 a.m.

PA12 Certificates Of Appreciation To Be Presented To (7) Members Of Miami Beach Ocean Rescue For Their Participation In "The Winding Up Wachovia Event" In Support Of The American Lung Association.

(Requested by Commissioner Jerry Libbin)

ACTION: Certificates presented.

Commissioner Libbin recognized the following members of the Miami Beach Rescue Division who participated in a fundraising event to benefit the American Lung Association: Richard McKinnon, William Geddes, Gabriel Castano, Joseph Francis, William Boyle, Cynthia Aguilar and Rafael Reig. He added that he is proud of all City employees who represent the City in various charitable endeavors.

Richard McKinnon, Ocean Rescue Lifeguard, stated that the event was a stair climbing competition; and their team came in seventh place in raising funds. He added that 27 teams across the County competed and Miami Beach came in first and third place. The team presented the trophy to Floyd Jordan, Fire Chief and was accepted on his behalf by Captain Bill Boyle.

9:25:22 a.m.

- PA13 Proclamation To Be Presented To Harvey Ruvin, Miami-Dade County Clerk Of The Courts, For His Outstanding And Innovative Work As Clerk.
(Requested by Commissioner Jerry Libbin)

ACTION: Proclamation presented.

Mayor Dermer welcomed Miami-Dade County Clerk Harvey Ruvin.

Commissioner Libbin stated that Mr. Ruvin has pioneered and led the way for the entire County in technological innovations. He announced that recently the City signed an agreement with the County to use some of that technology for the ticket system with the Police Department. He stated that Mayor Dermer is proclaiming May 10 as Harvey Ruvin Day for all his outstanding leadership over the past decades.

Harvey Ruvin, Miami-Dade County Clerk, stated that Miami Beach is one of the best governed communities in America and stated that it is an honor to be part of this community. He invited two of his three Senior Deputies in the audience to share the award with him.

9:54:00 a.m.

- PA14 Certificate Of Appreciation To Be Presented To "Hands On Miami, Inc." For Their Five Year Partnership And Dedicated Work With The City Of Miami Beach.
(Requested by Vice-Mayor Saul Gross)

ACTION: Certificate presented.

Vice-Mayor Gross stated that every year for the last four years the City has partnered with "Hands On Miami, Inc." in the event Hands on Miami Day. This year over 900 volunteers came to Miami Beach to paint the boardwalk, maintain the Open Shore Space Park and clean the beaches, along with residents, E-Comb, other organizations and the Neighborhood Services Department staff.

Pat Morris, President and CEO of "Hands on Miami, Inc." thanked the City of Miami Beach and recognized Lynn Bernstein and Carolyn Defreze for their support and partnership. He also thanked Mayor Dermer and Commissioners Bower and Garcia for attending previous projects. He added that over 600 young people between the ages of 13 and 17 are actively volunteering throughout the County. He introduced the staff of the Youth Volunteer Group: Brian Glasford, Stefanie Cole and Melba Gasque.

Vice-Mayor Gross stated that this is time volunteered by the City employees and recognized Lynn Bernstein and Carolyn Defreze for their hard work.

- PA15 Certificate Of Appreciation To Be Presented To Captain Lynda Veski Of The Miami Beach Police Department For Her Selection As 2006 Female Volunteer Of The Year At The 2006 National P.A.L. Conference.
(Requested by Mayor David Dermer)

ACTION: Item withdrawn.

9:44:02 a.m.

PA16 Certificates Of Appreciation To Be Presented To Boris Rodriguez And Valerie Rodriguez For Their Many Years Of Dedicated Service To The Parks And Recreation Department.
(Requested by Mayor David Dermer)

ACTION: Certificates presented declaring today Boris and Valerie Rodriguez's Day.

Mayor Dermer recognized Boris and Valerie Rodriguez. He stated that Boris and Valerie are extremely special employees and he felt they deserved a special recognition. Boris has been the leader with the Parks Programs and has managed the recreation program for many years, and Valerie is an exemplary employee. He stated that it is with great sadness that he sees them leave the City. They both have gone above and beyond their duties.

Kevin Smith, Parks and Recreation Director, explained that many people that grow up in the parks systems, return to work in the Parks and Boris is a product of that action. The City is lucky to have both Valerie and Boris employed here and he wished them the best of luck in their future endeavors. He added that their efforts are appreciated and they will always be remembered.

Vice-Mayor Gross stated that his son is an active user of the program and he has dealt with Boris personally; and his enthusiasm and positive energy have a substantial impact on each individual child and he has the ability to make personal contact with all the kids and enrich their experience. He will be missed.

Boris Rodriguez thanked everyone, especially Kevin Smith and Julio Magrisso, for the opportunity given to show his abilities through his work.

Mayor Dermer stated that on behalf of the City Commission he declared May 10, 2006 Boris and Valerie Rodriguez's Day.

9:29:23 a.m.**New Item:**

Commissioner Bower recognized Miami Beach Senior High School Principal, Jeanne Friedman, who was awarded Principal of the Year.

Jeanne Friedman, Miami Beach Senior High School Principal, stated that it is an honor to be the principal at MBSH and thanked her colleagues and all those who support her.

10:23:05 a.m.**New Item:**

Melissa Vignes, representing South Florida Commuter Services, encouraged people to "get out of their cars" and use alternative modes of transportation to get to work, either by carpooling or using public transit transportation. She added that Andrew Mejia is the Miami Beach representative, and announced that the second annual commuter day will be held on May 18th. She also challenged Miami Beach elected officials to "take the challenge" as other elected officials from other municipalities have done. For more information the number is 1-800-234-RIDE.

Handout or Reference materials

1. Flyer titled "Cut Your Commute – Join the Commuter Challenge Thursday, May 18, 2006" from the South Florida Commuter Services.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Qualifications, (RFQ) For A Construction Manager At Risk Firm For Pre-Construction Services In A Form Acceptable To The City Attorney, For The Renovation And Construction Of The Scott Rakow Youth Center Phase II Project, And Upon Completion Of Pre-Construction Services, The City And The CM At Risk Firm To Negotiate A Guaranteed Maximum Price (GMP) Amendment For The Construction Of Said Project, Said GMP Amendment And Associated Agreements To Be Presented At A Future Time For Commission Approval.

(Capital Improvement Projects)

ACTION: Request authorized. Gus Lopez to issue RFQ. Jorge Chartrand to handle.

- C2B Request For Approval To Issue A Request For Qualifications, (RFQ) For Architectural, Engineering, And Landscape Architecture Services For The Planning, Design, Bid And Award, And Construction Administration Services For The Renovation And Construction Of The Scott Rakow Youth Center Phase II Project.

(Capital Improvement Projects)

ACTION: Request authorized. Gus Lopez to issue RFQ. Jorge Chartrand to handle.

- C2C Request For Approval To Award A Contract To Bellak Color Corporation, Pursuant To Invitation To Bid 06-05/06, For The Printing Of The MB Magazine And The Recreation Review, In The Estimated Annual Amount Of \$162,135.00.

(Communications Office)

ACTION: Award authorized. Hilda Fernandez to handle.

- C2D Request For Approval To Issue A Request For Proposals (RFP) For Auditing Services To Examine The City's Basic Financial Statements Included In The City's Comprehensive Annual Financial Report (CAFR), Federal Grant Programs And State Projects (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's (RDA) Basic Financial Statements, The Parking Systems Funds' (PSF) Financial Statements, The Miami Beach Visitor And Convention Authority's (VCA) Financial Statements, The Miami Beach Convention Center (MBCC) And Jackie Gleason Theater Of The Performing Arts (JGT), As Managed By SMG, Financial Statements, And The Safe Neighborhood Parks And Bond Program (SNP).

(Finance Department)

ACTION: Request authorized. Gus Lopez to issue the RFP. Patricia Walker to handle.

- C2E Request For Approval To Purchase One (1) 2007 Sterling LT7500 Truck Chassis With A 12 Cubic Yard Dump Body, From Heintzelman's Truck Center, Pursuant To Florida State Contract No. 05-13-0822, In The Amount Of \$77,915.00.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2F Request For Approval To Purchase One (1) Bobcat 5600 Work Machine With Attachments From Kipper Tools, Pursuant To Federal General Services Administration Contract No. GS-06F-0018L, In The Amount Of \$32,546.73.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2G Request For Approval To Purchase, Two (2) 2006 Ford Focus Vehicles And One (1) 2006 Ford Explorer 4x2, Pursuant To Florida State Contract No. 04-12-0823, From Duval Ford, In The Amount Of \$49,725.00.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2H Request For Approval To Purchase, Pursuant To Florida State Contract 070-001-05-1, One (1) 2006 Ford F-350 4x4 12 Ft. Flatbed Stake Body Truck, From Duval Ford, In The Amount Of \$29,006.00; One (1) 2006 Ford Freestyle, From Don Reid Ford, In The Amount Of \$23,417.15; And One (1) 2006 Chevrolet Impala Administrative Vehicle, From Garber Chevrolet, In The Amount Of \$15,563.15.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2I Request For Approval To Purchase One (1) 2007 GMC Cab Over TT7500 Truck Chassis With A 13 Cubic Yard Rear Loading Refuse Packer Body From Nextran Truck Center, Pursuant To Florida State Contract No. 05-13-0822, In The Amount Of \$88,879.00.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2J Request For Approval To Authorize The Administration To Enter Into Negotiations, Pursuant To Invitation To Bid No. 12-05/06, Waterway Resource Maintenance, With The Best Value Bid Received From American Environmental Contractors, Inc.; And Should Negotiations Be Unsuccessful, Authorize Negotiations With The Second Best Value Bid Received From Tow Tell Marine Services D/B/A H2O Tow; And Further Authorize The Mayor And The City Clerk To Execute A Contract Upon Completion Of Successful Negotiations.
(Public Works)

ACTION: Request authorized. Fred Beckmann to handle.

- C2K Request For Approval To Award Contracts To National Waterworks And Ferguson Enterprises, Pursuant To Invitation To Bid No. 13-05/06, For The Supply And Delivery Of Ford Meter Service Fittings, Based On Firm Unit Prices.
(Public Works)

ACTION: Request authorized. Fred Beckmann to handle.

- C2L Request For Approval To Issue A Request For Proposals (RFP) For Disaster Recovery Services To Include But Not Be Limited To: 1) Emergency Road Clearance; 2) Debris Removal From Public Right-Of-Way; 3) Removal Of Hazardous Stumps; 4) Sand Screening; And 5) Disaster Recovery Technical Assistance.
(Procurement)

ACTION: Request authorized. Gus Lopez to issue the RFP. Fred Beckmann to handle.

C4 - Commission Committee Assignments

10:39:49 a.m.

- C4A Referral To The Finance And Citywide Projects Committee - A Cost Analysis Of A Policy To Start Buying Hybrid Vehicles When Replacing Cars In The City Fleet.
(Requested by Vice-Mayor Saul Gross)

ACTION: Referral amended. Item separated for discussion by Commissioner Steinberg. He recommended adding to the referral the process of how the Administration determines the type and size of City vehicles. He added that there could also be a cost savings from fuel if the Administration purchases smaller, more fuel efficient vehicles even if they are not hybrids. There was no objection in adding this amendment to the referral. Patricia Walker to place on the committee agenda. Drew Terpak to handle.

- C4B Referral To The Land Use And Development Committee - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Lot Coverage, Structure Size, Building Height And Setback Requirements For New Single-Family Residential Construction And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction Inclusive Of The Creation Of A New Single-Family Residential Review Panel; Providing Codification; Repealer; Severability; And An Effective Date.
(Planning Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

- C4C Referral To The Land Use And Development Committee Regarding Non-Conforming Status Of Condo Conversions.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

C4D Referral To The Planning Board - Ordinance Amendment Pertaining To Historic Preservation Approvals.

(Planning Department)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

Addendum:

C4E Referral To The Neighborhoods/Community Affairs Committee - Request To Dedicate Fire Station No. 4 To Leonard "Lenny" Rubin, Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Chief Jordan to handle.

Addendum:

C4F Referral To The Neighborhoods/Community Affairs Committee Regarding A Discussion On The Serving Of Foie Gras In The City Of Miami Beach.

(Requested by Richard L. Steinberg)

ACTION: Referred. Vivian Guzman to place on the committee agenda. **Hilda Fernandez to handle.**

C6 - Commission Committee Reports

C6A Report Of The G.O. Bond Oversight Committee Meeting On April 3, 2006: **1)** Contingency Report; **2)** Discussion Items; **3)** Project Status Report: A. Update On Fire Station No.2; B. Update On Fire Station No. 4; C. Normandy Isle Park And Pool; And **3 4)** Informational Items: A. Update On CIP Staffing; B. North Shore Open Space Park; C. Seawalls; D. Botanical Gardens; E. South Pointe Neighborhood Phases III, IV, V BODR.

ACTION:

Item No. 1:

Mr. Jorge Cano, Assistant Director of the Capital Improvement Projects (CIP) Office, informed the Committee of several change orders new change orders or Additional Services were approved since the last report.

Clarification was made that change order amounts include materials and installation. In the particular case of the window-glazing change (Fire Station No.2), the cost reflected material only. Information was also clarified about the reason for the change at Fire Station No.4, with regard to the propane tank. Enlarging the propane tank and its placement triggered additional changes.

The Administration indicated that new processes being implemented in the CIP office are designed to catch as much contingency in the early planning phase, in order to minimize the number and cost of change orders.

Item No. 2:

The Committee requested information from the CIP Office about 8 parking spaces in front of a commercial building on 51st Street that will be lost due to planned street improvements. The new

design keeps the original spaces, but what is lost are the illegal spaces now created by motorists.

Item No. 3(A):

A. Update on Fire Station No. 2:

Jorge Cano reviewed the Project Status and Timelines, as distributed.

Fire Station 2 is at approximately 70% completion. Once roof placement is done, interior installations begin. Glazing is also being done. Substantial completion, prior to punch-list items, is expected in September, 2006.

The Committee expressed concerns that this project was originally scheduled for completion in February. The Administration addressed the delays, citing unforeseen site conditions, issues prior to construction with the radio tower, hurricane delays and material shortages. Interior work is well underway. After windows are installed, sheet-rock will go up.

The Committee agreed that all the delays are understandable; however, there is concern that we are now approaching Hurricane Season again and construction of the Fire Station may face similar delays again.

Request was made by the representative of the Budget Advisory Committee for the Budget Committee to receive periodic updates on CIP projects before budgets are prepared for the next fiscal year. The request is for this information to be submitted no later than June 2006. Clarification was made that costs included in FF&E do not affect operating costs.

Item No. 3(B):

B. Update on Fire Station No. 4:

Jorge Cano reviewed the change orders required for the program.

Fire Station 4 is at 80% completion. Final completion expected in late May or early June.

Item No. 3(C):

C. Normandy Isle Park and Pool:

Jorge Cano discussed construction of the project.

The pool is approximately 75% complete. Final completion and CO is planned for September 2006.

The Park is expected to be open in late May 2006. A major component of the park construction included replacing a corroded 4" water main that services the park and apartment buildings to the north of the park. Fence at the north and west end of the park is currently chain-link, unlike the constructed fence surrounding the rest of the park. If funding is available, construction may include replacing that chain-link fence with the custom fencing. This will entail an additional two months to complete. Decision would involve input from the Park and Recreation Department. This was not part of the original scope of the project.

Parks and Recreation Director Kevin Smith presented information about programs that are planned for the park once it is open. The programs are set to begin in increments, as various phases of the facility are opened. The park will still be functional for use throughout the summer, despite the construction delays.

Item No. 3-4(A):

Update on CIP Staffing The CIP Office continues to seek qualified individuals to fill vacant positions. The primary reason for lack of qualified candidates is salary requirements. A position of Community

Information Coordinator (CIC) has been filled, and an additional CIC is scheduled for hire in the near future.

Item No. 3-4(B):

North Shore Open Space Park

Discussion was initiated about the paved pathway, which was previously installed. T. Hemstreet clarified that the question was for Public Works, not CIP.

Item No. 3-4(C):

Seawalls

Questions were addressed about the Collins Canal, Pinetree Park seawalls. This question should also be addressed to Public Works. CIP will invite a representative of Public Works to the next meeting. **Fred Beckmann to attend the next G. O. Bond Oversight Committee meeting.**

Item No. 3-4(D):

Botanical Gardens

A Committee Member asked about the status of the Botanical Gardens improvement project. Project is on hold until the Master Plan comes to completion and so far the plan includes that the Garden remain in its current location.

Item No. 3-4(E):

South Pointe Neighborhood Phases III, IV, V BODR

Presentation by Chen and Associates, Civil and Environmental Engineers on proposed streetscape improvements to South Pointe Neighborhood.

Phase II is expected to begin construction at the end of 2006 and completion by the first quarter 2008. Phase III is expected to begin early in 2008. There may be some construction overlapping.

C7 - Resolutions

- C7A A Resolution Proclaiming May 15, 2006 Through May 19, 2006 Municipal Clerks Week.
(City Clerk's Office)

ACTION: Resolution No. 2006-26180 adopted.

Supplemental Materials: Resolution

- C7B A Resolution Authorizing The City Manager Or His Designee To Submit The Following Grant Applications: 1) U.S. Department Of Homeland Security, Assistance To Firefighters Grant Program, For "Fire Grant" Funding, In An Amount Not To Exceed \$137,000, To Retrofit City Fire Facilities; 2) South Florida Water Management District, Alternative Water Supply Grant Program, For Funding, In An Amount Not To Exceed \$400,000 For Funding Of An Irrigation System For Normandy Shores Golf Course; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Grants Management)

ACTION: Resolution No. 2006-26181 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7C A Resolution Rejecting All Proposals Received Pertaining To Request For Proposals (RFP) No. 29-04/05, For Dry Cleaning And Laundering Services For City Of Miami Beach Uniformed Employees.
(Labor Relations)

ACTION: Resolution No. 2006-26182 adopted. Gus Lopez to notify bidders.

- C7D A Resolution Approving And Authorizing The City Manager To Issue Five (5) Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. (Douglas Gardens) To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To: Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; Continue Providing Case Management Services And Transitional Housing To Victims Of Domestic Violence Who Have Become Homeless; Continue To Operate Two Scattered Site Housing Programs; And To Continue To Provide Supportive Services The Scattered Site Shelter Plus Care Program.
(Neighborhood Services)

ACTION: Resolution No. 2006-26183 adopted. Vivian Guzman to handle.

- C7E A Resolution Approving The Settlement Of City Liens On Real Property Located At 7746 Carlyle Avenue, Miami Beach, Florida, Owned By Jose Acevedo, Providing That Liens In The Amount Of \$622,700.24 (\$306,700.00 Plus Interest Of \$316,000.24), Be Settled For The Amount Of \$60,000.00.
(Neighborhood Services)

ACTION: Resolution No. 2006-26184 adopted. Hilda Fernandez to handle.

- C7F A Resolution Ratifying The Following Emergency Purchases Relating To The Removal And Disposal Of Twenty Six (26) Derelict Vessels: (1) H2O Marine Towing And Salvage In The Amount Of \$282,109.00; Sea Tow In The Amount Of \$87,000.00; And Action Marine - Tow Boat USA In The Amount Of \$5,624.00.

(Procurement)

ACTION: Resolution No. 2006-26185 adopted.

- C7G A Resolution Ratifying A Contract In The Total Amount Of \$59,640, To Homestead Concrete And Drainage, Inc., To Provide For The Replacement Of The Structural Floor And Driveway Improvements At Fire Station No. 1.

(Public Works)

ACTION: Resolution No. 2006-26186 adopted.

- C7H A Resolution Setting A Public Hearing On June 7, 2006, To Consider An After-The Fact Revocable Permit Request By Mr. Michael R. Buckner And His Wife Margo Buckner, Owners Of The Property Located At 6120 La Gorce Drive, To Retain An Iron Gate, Columns, Hedges, Canvas Canopy And Portion Of A Wood Deck All Within The Adjacent City Right-Of-Way On Apache Avenue.
(Public Works)

ACTION: Resolution No. 2006-26187 adopted. Public Hearing scheduled for June 7, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

- C7I A Resolution Ratifying Emergency Expenditures For Hurricane Katrina For Emergency Debris Monitoring Services, In The Amount Of \$206,446.25 To Post Buckley Schuh And Jernigan (PBS&J).
(Public Works)

ACTION: Resolution No. 2006-26188 adopted.

- C7J A Resolution Ratifying A Contract To All Dade Fences, Inc., In The Total Amount Of \$65,754, To Provide For Fence Repair And Replacement Needs In Certain City Facilities, As Set Forth In This Resolution, In The Aftermath Of Hurricane Wilma.
(Public Works)

ACTION: Resolution No. 2006-26189 adopted.

- C7K A Resolution Ratifying A Contract To Warren Fence Company, In The Total Amount Of \$58,950, To Provide For Fence Repair And Replacement Needs In Certain City Facilities, As Set Forth In This Resolution, In The Aftermath Of Hurricane Wilma.
(Public Works)

ACTION: Resolution No. 2006-26190 adopted.

- C7L A Resolution Ratifying Payment, In The Total Amount Of \$154,760, To Ashbritt, Inc. To Provide Hurricane Debris Removal Services From The City Waterways.
(Public Works)

ACTION: Resolution No. 2006-26191 adopted.

- C7M A Resolution Ratifying Expenditures, In The Total Amount Of \$102,221.68, To Centerplate, The City's Food And Beverage Concessionaire At The Miami Beach Convention Center And Jackie Gleason Theater Of The Performing Arts, For Providing Food And Beverages To City-Essential Employees Who Worked During Hurricanes Katrina And Wilma.
(Procurement)

ACTION: Resolution No. 2006-26192 adopted.

- C7N A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To Miami Beach Community Development Corporation (MBCDC), Which Will Submit The Certification As Part Of An Application For Funding Awarded Directly From The Department Of Housing And Urban Development To MBCDC, To Fund Development Costs And Rental Subsidy For Thirty (30) New Units Of Housing, For Very-Low Income Elderly Person, At Villa Maria II, 221 28th Street, Miami Beach, Florida.
(Neighborhood Services)

ACTION: Resolution No. 2006-26193 adopted. Vivian Guzman to handle.

- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City And STA Architectural Group, For Professional Architecture And Engineering Services For The 10th Street Auditorium/Beach Patrol Headquarters And Serpentine Walkway Project, In An Amount Not To Exceed \$775,925 As Follows: \$59,950 For Planning Services; \$85,125 For Schematic Design Services; 333,600 For Design Development Services; \$33,875 For Bid And Award Services; \$122,875 For Construction Administration Services; And \$140,500 For Reimbursable Costs; With Previously Appropriated Funding Available As Follows: \$352,000 From The General Obligation Bonds, And \$17,432 From The South Pointe Redevelopment Area Fund; And Further, Appropriating \$406,493 From South Beach Quality Of Life Fund, To Complete The Funding For The Agreement.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26194 adopted. Patricia Walker to appropriate the funds.
Jorge Chartrand to handle.

Addendum:

- C7P A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To Florida International University, To Apply For Funds Provided Directly By The U.S. Department Of Housing And Urban Development, To Fund The Community-Based Health Promotion And Health Education Program "HealthPEP!", Targeting Low-Income Elderly Individual In Miami Beach, To Be Located At The Mount Sinai Medical Center, (Miami Heart Institute Campus).
(Neighborhood Services)

ACTION: Resolution No. 2006-26195 adopted. Vivian Guzman to handle.

- C7Q Discussion Regarding A Resolution Authorizing The Donation Of Two (2) Used 1997 Ford E40 Fire Rescue Vehicles And One (1) 1998 Ford E40 Fire Rescue Vehicle, In "As Is" Condition, To The Firefighters Of Our Sister City Of Ica, Peru.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item moved from the Regular Agenda item R9C. **Resolution No. 2006-26196 adopted.**
Drew Terpak to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****11:00:33 a.m.**

R5A An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Prohibited Areas For Construction Noise And Providing Exceptions Thereto; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Warnings In Single Family Zoning Districts; Providing For Codification, Repealer, Severability, And An Effective Date. **10:45 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(First Reading on April 11, 2006)

ACTION: Public Hearing opened and continued. Motion made by Vice-Mayor Gross to open and continue the public hearing to June 7th 2006 at 10:45 a.m.; seconded by Commissioner Bower; approved without objection. Lilia Cardillo to place on the Commission Agenda.

City Clerk's note: An amendment to Section 46-156 of the ordinance was distributed on the dais.

Robert Middaugh, Assistant City Manager, introduced the item.

Carter McDowell, Esq., spoke.

Discussion held.

Commissioner Bower raised the issue of construction workers not wanting to work after 4 p.m., and asked if that is why they want to start earlier?

Jorge Gonzalez, City Manager, stated that if there is the sentiment to approve the change in hours that there is a clear requirement that it is an extension of hours and not just shifting the clock. It will have to be demonstrated that they will maximize the hours they have available to them and that this is augmenting those hours.

Commissioner Bower stated that what needs to be determined is if there is a benefit to starting earlier in terms of saving time.

Jorge Gonzalez, City Manager, suggested bringing this item back as a second reading in June with additional information and at the same time bring the request for the extension of time.

Carter McDowell, Esq., explained that the draft ordinance requires review and recommendation by neighborhood and business associations or the Planning Board at least 30-days prior to Commission Meeting. He added that notice to the organizations is appropriate in all circumstances, but requiring their review and recommendation is opening an opportunity for delays.

Jorge Gonzalez, City Manager, recommended waiving the 30-day requirement and have them meet with the residents of the Pine Tree/ La Gorce neighborhoods which is the area across from the Fontainebleau Hotel, and bringing the application at the second reading of the ordinance.

Commissioner Libbin talked about the issue of single-family homes which are not "party houses."

Robert Middaugh, Assistant City Manager, stated that the issue of single-family homes is not incorporated in this ordinance and will require substantial additional language to the ordinance, which is forthcoming. **Robert Middaugh to handle.**

Commissioner Cruz brought up the issue of construction on Sundays and national holidays.

Jorge Gonzalez, City Manager, agreed that there should not be construction on Sundays and national holidays whether in residential or commercial areas.

Amendment:

Vice-Mayor Gross stated that there is general consensus to amend the ordinance that there should to be no Sunday or national holiday waivers which exceed the noise threshold in residential or commercial districts. He added, regarding the single-family homes issue which was discussed at the Land Use and Development Committee meeting, that the message was to crack down as much as possible on illegal "party houses," recognizing that there is a difference between a "party house" and a resident having a birthday party at his or her home. This should be included in the second reading of the ordinance and the Administration is to work out the details with the Legal Department. **Robert Middaugh to handle.**

Vice-Mayor Gross also stated that there was discussion about cross-referencing violations of the noise ordinance with the "party houses" with the ability to pull permits for production and other kinds of commercial activity at some of these homes.

Hilda Fernandez, Assistant City Manager, stated that this will be incorporated as another section of the ordinance and the item will come back to the Land Use and Development Committee next month.

Vivian Guzman to place on the committee agenda. **Hilda Fernandez to handle.**

Vice-Mayor Gross stated that the sentiment is to bring the ordinance back on second reading in June with all of the amendments and to have it duly noticed.

Jose Smith, City Attorney, stated that the revocation matter would be a substantial change and would need to have two hearings.

Vice-Mayor Gross stated that the revocation language could be added in the permit or make the ordinance retroactive. This ordinance will be placed for second reading on the June agenda with the amendments, and the revocation portion of the ordinance will be for first reading on the June agenda. The application will also be on the June agenda. He stated that he actually would like to deal with the application before the ordinances to see if any changes are needed.

Melanie Muss asked to go to those homes adjacent to the Fontainebleau rather than the homeowners association.

Jorge Gonzalez, City Manager, explained that the entire area may be impacted because of the possibility of traffic congestion. He stated that he thinks it is better to go to the association in both neighborhoods.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Chapter 46, Environment – Article IV. Noise. Sec. 46-156. Temporary permits.

5:18:00 p.m.

R5B An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code, By Amending Division 11, "I-1 Light Industrial District," By Requiring Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 p.m. Second Reading, Public Hearing**

(Planning Department)

(First Reading, Public Hearing on April 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3513 adopted.** Motion made by Vice-Mayor Gross; seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Vice-Mayor Gross stated that if this ordinance passes this is not a prohibition, it is only an additional level of review for projects that have a large impact to the district so that members of the Planning Board will review.

Commissioner Tzvi Bogomilsky, from the City of North Bay Village, congratulated Jose Smith for his appointment to City Attorney, and spoke on the item.

Arthur Siccardi spoke.

Steve Kotter spoke.

Nancy Liebman spoke.

Frank Kruszewski spoke.

George Neary spoke.

Commissioner Garcia asked the Legal Department if the approval of this ordinance is in violation of the Burt Harris Act.

Gary Held, First Assistant City Attorney, stated that there were a few points to be made, but the first point was to establish the conditional use process by which individual projects will be reviewed, to determine the impact on the surrounding neighborhoods to make sure that the property's plans are compatible. He explained that establishing a process like that was a legal act of the City Commission. He also stated that the City had numerous types of conditional use requirements that have to go through an identical or similar process. He added that large projects over 50,000 square feet also had to go through the same process and that it was perfectly legal. He explained that this is not spot zoning; reverse spot zoning, or anything of the like, because the City is not singling out any particular parcel of land since it applied to all parcels within the zoning district. Parcels can be aggregated and at the moment there was no limitation on that. He continued to say that the attorney for the property owner that appeared at the last hearing was only one of many different property owners for which this ordinance would apply. He also informed the City Commission that as far as Burt Harris Act is concerned, the City is not singling out any particular property; this is applicable throughout an entire district, so all properties will be similarly treated.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:16:00 p.m.

R5C An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code, By Amending Division 11, "I-1 Light Industrial District," By Providing That The First Step In The Process For New Construction Of Structures 50,000 Square Feet Be The Conditional Use Approval By The Planning Board; Providing For Repealer, Severability, Codification And An Effective Date. **5:02 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on April 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3514 adopted.** Motion made by Vice-Mayor Gross; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Garcia. Robert Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

5:57:57 p.m.

R5D An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Adjusting The Height For Any New Construction Or Additions To Existing Structures In The Flamingo Park Local Historic District; Providing For Repealer, Severability, Codification And An Effective Date. **5:05 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on April 11, 2006)

ACTION: Public Hearing held. **Ordinance No. 2006-3515 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Judy Robertson spoke.
Mark Needle spoke.
Jeff Donnelly spoke.
Joiwind Lowe spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

6:07:24 p.m.

R5E An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," By Reducing The Floor Area Ratio From 1.25 To 1.0 For Any New Construction Or Additions To Properties In The Flamingo Park Local Historic District; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**
(Requested by Commissioner Richard L. Steinberg)

ACTION: Ordinance not approved. Motion made by Commissioner Bower; seconded by Commissioner Steinberg to approve the ordinance; Ballot vote: 3-4; Opposed: Vice-Mayor Gross, and Commissioners Cruz, Garcia, and Libbin.

Jeff Donnelly spoke.

Michael Larkin, Esq. spoke.

Bill Farkas, Executive Director of the Miami Design Preservation League, spoke.

Erika Brigham spoke.

Christopher Klemek, PH. D. spoke.

Mallory Kauderer spoke.

Neisen Kasdin spoke on behalf of Jefferson Holdings.

Mark Needle spoke.

The City Commission held a discussion on this item.

Jorge Gomez, Planning Director, stated that at the Land Use and Development Committee meeting of May 8, 2006 the Administration suggested a number of items for consideration and review.

Commissioner Bower made a motion to approve the ordinance because something needs to be done now while other alternatives are being worked on; seconded by Commissioner Steinberg. See role call vote.

Commissioner Bower stated that there was discussion regarding the .25 FAR, or the increment beyond the 1.0. She asked if this was sent to the Planning Board as a conditional use would this be zoning-in-progress.

Jorge Gomez, Planning Director, stated that if an ordinance was referred to the Planning Board today which would state that changing the 1.0 FAR to 1.25 FAR would be a conditional use, and the Planning Board approved the ordinance at its June hearing, it would start zoning-in-progress.

Motion made by Commissioner Bower to refer to the Planning Board at their June meeting an action to do a conditional use review for anything that would exceed 1.0 FAR. This would require a Planning Board and a Historic Preservation board review; seconded by Vice-Mayor Gross; Referred without objection. Jorge Gomez to place on the committee agenda and to handle.

In addition the Administration will bring to the Commission a list of initiatives which deal with the incompatibility issues, however there will be a first reading ordinance on the June 7th Commission Agenda regard roof-top additions and court yards. Jorge Gomez to handle.

R7 - Resolutions**Supplemental Materials: Memorandum****10:48:21 a.m.**

R7A A Resolution Granting An After-The-Fact Revocable Permit To AB Green Raleigh LLC, Owner Of The Raleigh Hotel Located At 1775 Collins Avenue, To Retain Portions Of Existing Encroachments In The Adjacent 18th Street City Right-Of-Way Consisting Of Columns, Landscaping And A Masonry Fence Wall, While Minimizing The Encroachment At The Existing Stairs; However, Approval Of The Permit Shall Be Subject To And Contingent Upon Applicant's Removal And Restoration Of The Area At All Other Encroachments Within The Right-Of-Way, Including A Landing And Portion Of The Stairs, Walls, A Trash Enclosure And An Underground Storage Vault, And Completion Of Abutting Sidewalks Without Limitation. **10:30 a.m. Public Hearing.**

(Public Works)

(Continued from April 11, 2006)

(Memorandum and Resolution to be Submitted in Supplemental)

ACTION: Public Hearing opened and continued to June 7, 2006 at 10:30 a.m. without objection; Absent: Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:33:55 a.m.

R7B A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, As The City's Designee, To Take All Necessary Actions To Procure The Necessary Construction Services For The Renovation Of The Normandy Shores Clubhouse, And The Construction Of The New Golf Course Maintenance Building, Cart Barn, And Two (2) Restroom Buildings (The Project), As Follows: (1) Authorizing The City Manager To Negotiate (In Conjunction With The City's Capital Improvements Office (CIP)) And Execute An Agreement For Pre-Construction Services, In An Amount Not To Exceed \$50,000, With The Firm Of Coastal Construction Company And, Upon Satisfactory Completion Of Said Pre-Construction Services; (2) Authorizing The City Manager To Negotiate (In Conjunction With CIP) And Execute A Guaranteed Maximum Price (GMP) Agreement With Coastal Construction Company For The Construction Of The Aforestated Project; In The Event The Administration Is Unsuccessful In Negotiating An Agreement(s) With Coastal Construction Company, Authorizing The City Manager To Negotiate And Execute An Agreement(s) With The Second Recommended Firm Of Pirtle Construction Company; In The Event The Administration Is Unsuccessful In Negotiating An Agreement(s) With Pirtle Construction Company, Authorizing The City Manager To Negotiate And Execute An Agreement(s) With The Third Recommended Firm Of The Tower Group; In The Event The Administration Is Unsuccessful In Negotiating An Agreement(s) With The Tower Group, Authorizing The City Manager To Negotiate And Execute An Agreement(s) With The Fourth Recommended Firm Of Suffolk Construction Company; In The Event The Administration Is Unsuccessful In Negotiating An Agreement(s) With Suffolk Construction Company, Authorizing The City Manager To Negotiate And Execute An Agreement(s) With The Fifth Recommended Firm Of Turner Construction Company; Provided Further That The Aforestated Pre-Construction Services Agreement And GMP Agreement Shall Be Subject To Ratification By The Mayor And City Commission At A Future Meeting; In The Alternative, Provided Further That, In The Event The City Commission Does Not Approve The Aforestated Waiver, Authorizing The Administration To Issue A Request For Proposals (RFP) For The Necessary Construction Services Relative To The Above Referenced Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26197 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Jorge Chartrand to handle.

Jorge Chartrand, CIP Director, introduced the item.

Discussion was held.

11: 33:55 a.m.

R7C A Resolution Waiving By 5/7ths Vote, The City's Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Further Accepting The Findings And Recommendation Of The City Manager, Certifying A Valid Public Emergency, And Waiving The Requirements Of Section 287.055, Florida Statutes ("Consultants' Competitive Negotiation Act"); All For The Purchase Of The Necessary Professional Architectural, Landscaping, And Engineering Services (The A/E Services) For The Renovation Of The Normandy Shores Golf Course Clubhouse, And The Design, Demolition, And The Construction Of A New Golf Course Maintenance Building, Cart Barn, And Two (2) Restroom Buildings; Further Authorizing The City Manager To Negotiate An Agreement For The Aforestated A/E Services With Architektnics, Inc., In An Amount Not To Exceed \$525,000; In The Event The Administration Is Unsuccessful In Negotiating An Agreement With Architektnics Inc., Authorizing The City Manager To Negotiate And Execute An Agreement With The Second Recommended Firm Of Architects International; In The Event The Administration Is Unsuccessful In Negotiating An Agreement With Architects International, Authorizing The City Manager To Negotiate And Execute An Agreement With The Third Recommended Firm Of Gurri Matute Pa; In The Event The Administration Is Unsuccessful In Negotiating An Agreement With Gurri Matute Pa, Authorizing The City Manager To Negotiate And Execute An Agreement With The Fourth Recommended Firm Of Santos Raimundez Pa; And In The Alternative, In The Event The City Commission Does Not Approve The Aforestated Waiver, Authorizing The Administration To Issue A Request For Proposals (RFP) For The Necessary A/E Services Relative To The Above Referenced Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2006-26198 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Jorge Chartrand to handle.

11:59:00 a.m.

R7D A Resolution Approving Amendment No. 5, In A Not To Exceed Amount Of \$1,094,816, To The Design/Build Agreement, For The Washington Avenue Improvements Project, Phases II, IV, And V, With RIC-Man International, Inc.; Said Amendment Providing For Design, Permitting, Construction And Construction Administration Services For The Implementation Of The 16th Street Drainage, And Other Miscellaneous Improvements; And Approving Funds, In The Amount Of \$1,094,816 For The Amendment, And \$52,600, For CIP Management Fees, From City Center Redevelopment Agency Funds. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Item heard in conjunction with Item RDA-2A. Resolution No. 2006-26199 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Jorge Chartrand to handle.

10:43:41 a.m.

Supplemental Materials: Resolution: Additional information and Resolution

R7E A Resolution Approving The Purchase Of Flood Insurance, All Risk Property Insurance (Including Windstorm) And Boiler/Machinery Insurance For City Buildings And Contents (Including New Construction), For A One-Year Period As Proposed By Arthur J. Gallagher & Co., The City's Broker Of Record.

(Human Resources & Risk Management)

ACTION: Resolution No. 2006-26200 adopted as amended. Motion made by Vice-Mayor Gross if it does not make sense to insure building by building then buy the \$10 million worth of coverage and then buy additional coverage, if available, with the remaining \$600,000; and if prudent buy more, if available; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Cliff Leonard to handle.

Jorge Gonzalez, City Manager, stated that the issue of insurance has become very difficult to deal with given the rise in insurance and the more active hurricane seasons this region is having. He explained that this year fewer underwriters are willing to write windstorm policies. The renewal date falls between City Commission meetings and the prices will not be available until the end of May. He stated that the City has multi-levels of coverage on windstorm with the first level being \$10 million. The City can renew the first level at a cost of \$1.5 million. He explained that the City staff is actively looking for additional levels of coverage. In the past, the City had additional \$25 million coverage at an aggregate cost of \$2.1 million; therefore, there is a \$600,000 balance in the budget. He explained that based on the cost of the first \$10 million dollar, the additional \$10 million of coverage will cost an additional \$1.5 million and the balance available is only \$600,000 leaving a deficit of \$900,000. He requested the approval of the City Commission for the first \$10 million at \$1.5 million and to grant him the authority to buy as much as available and prudent based on the budget and a good risk reward.

Mayor Dermer asked if the State of Florida has taken any action to alleviate the burden of municipalities when it comes to windstorm coverage.

Jorge Gonzalez, City Manager, stated that there has been none. He explained that he had checked into the State Insurance pool and found out that municipalities are not eligible to participate on that pool.

Joy Vanderport, Arthur J. Gallagher and Co., stated that Citizens Insurance will only be doing coverage on a primary basis and explained that not all city buildings are eligible to be covered by Citizens. This is subject to Citizens approval and will only provide for the first \$1 million layer of coverage and the City will need to build on top of that.

Vice-Mayor Gross asked for the premium for of \$1 million policy.

Joy Vanderport, Arthur J. Gallagher and Co., stated that the premium is calculated based on the value of the building times a rate, and calculated for each individual building.

Vice-Mayor Gross suggested looking into having a policy per building instead of a global policy.

Jorge Gonzalez, City Manager, stated that he will look into this, but by doing this, the City is capping the buildings to \$1 million each and most of the City's buildings are worth a lot more. He stated that the City's obligation is to buy insurance that is available at a reasonable and accessible cost and that is through the Federal Emergency Management Agency (FEMA), so they will cover any additional losses beyond what the insurance provides.

Mayor Dermer asked if it would be possible to raise the deductible.

Joy Vanderport, Arthur J. Gallagher and Co., stated that the deductible is 5% of the total insured value of the affected building and this is as high as it goes.

Jorge Gonzalez, City Manager, recommended that the City Commission; 1) approves buying the \$10 million and buy whatever additional coverage is available and 2) look at insuring each building for a \$1 million dollar per building and adjusting the deductible. He could come back to the June meeting with this information for ratification, but he needs authorization to enter into a policy before the due date.

Commissioner Libbin asked what does FEMA require and if it would be prudent to spend only what is in the budget now.

Jorge Gonzalez, City Manager, stated that he would have to look at what is available.

Joy Vanderport, Arthur J. Gallagher and Co., stated that the City, as an entity, is required to buy what is reasonably available and FEMA needs to indicate what that is.

Commissioner Libbin asked if anyone knows what percentage of the budget other municipalities are spending on this.

Jorge Gonzalez, City Manager, stated that the City has been fortunate in receiving FEMA reimbursements and that has to do with the documentation that is done at the front end. The City could argue that doubling the premiums from one year to the next is unreasonable and that the City added some money to the budget and bought what it could buy, and reducing the coverage limits to get to it is prudent based on the risk, reward analysis. He explained that FEMA does not give guidelines.

Vice-Mayor Gross asked what kind of damages was sustained to city buildings, right of ways, etc. from Hurricanes Katrina and Wilma.

Jorge Gonzalez, City Manager, stated that the overwhelming impact was to the landscaping, tree debris, some window damage to buildings, a roof was blown out at the Sanitation Department, and some damage to a building in the north area, but predominantly it was landscaping and fencing. The City has been very successful by recovering 92% of the cost from FEMA.

Motion made by Vice-Mayor Gross, if it does not make sense to insure building by building then buy the \$10 million worth of coverage and then buy additional coverage, if available, with the remaining \$600,000, and buy more, if prudent.

12:02:40 p.m.

R7F A Resolution Approving A Request From Biscayne Point Security Guard Special Taxing District, To Proceed With Miami-Dade County Board Of County Commissioners, In Requesting An Amendment To Miami-Dade County Ordinance No. 90-52, Creating The "Biscayne Point Security Guard Special Taxing District"; Said Amendment To Include The Installation Of Cameras And A Recording Device In The Existing Guardhouse, And To Include The Associated Costs In The Special Taxing District Assessments; Provided Further That The City's Approval Is Subject To And Contingent Upon Said District's Compliance With All Miami-Dade County's Requirements Relative To The Creation And Amendment Of Special Taxing Districts.

(Public Works)

ACTION: Resolution No. 2006-26201 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Fred Beckmann to handle.

12:05:13 p.m.

R7G A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Management Agreement Between The City Of Miami Beach And SMG For The Miami Beach Convention Center And Jackie Gleason Theater Of Performing Arts; Said Amendment Exercising Both One Year Renewal Options Provided Under The Agreement And Commencing On October 1, 2006, And Ending On September 30, 2008; And Further Amending Section 4.3 Of The Agreement, Entitled "Incentive Fee," And Section 12 Entitled "Termination."

(Tourism & Cultural Development)

ACTION: Resolution No. 2006-26202 adopted with agreement as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Max Sklar to handle.

Amendments:

1. Administration to negotiate the Management Agreement
2. How the categories are valued.

Max Sklar, Cultural Arts and Tourism Director, introduced the item, which has been reviewed by the Finance and Citywide Projects Committee, the Convention Center Advisory Board and includes recommendations from Stu Bloomberg. He explained that the changes in front of the City Commission, as recommended, are to go forward with an incentive criteria that has 30% towards financial performance, 40% towards maintenance of the facility, and 15% respectively to monitoring food and beverage and customer satisfaction.

Discussion held.

Commissioner Libbin stated that it is important to have the customer services monitored, and suggested to rate SMG by giving and taking away points according to the scores to encourage improvement.

Doug Tober, Senior General Manager with SMG, stated that there are three areas broken down in the agenda package; page 1) management sales operations and telecommunications; page 2) food and beverage and audiovisual in-house and page 3) other services. He added that customer satisfaction has been focused on items listed on the first page that SMG directly provides.

Jorge Gonzalez, City Manager, suggested that the City Commission agrees to the distribution of the 100 points, and let staff figure out how to best manage the objectivity/subjectivity within the

categories. He added that he wants the responsive rates increased to have meaningful data. **Max Sklar to handle.**

Commissioner Steinberg asked Jorge Gonzalez, City Manager, for his opinion regarding a letter received from another company, AEG, who wants to provide management services if Cirque Du Soleil negotiations are not successful. He also asked if the negotiations with Cirque Du Soleil are successful, what is the City's ability to terminate the agreement with SMG at the Jackie Gleason and allow Cirque Du Soleil to move in, so the City does not have to compensate SMG for the extra years in the contract.

Jorge Gonzalez, City Manager, stated that AEG is essentially a booking company similar to SMG. AEG is interested in beginning negotiations with the City. He stated that the City has embarked on a path and it behooves the City to continue on this path or end the negotiations and move on. He added that negotiations are getting close to completion. He advised that if the City decides not to pursue the relationship with Cirque Du Soleil, SMG is the firm that was selected through a competitive process and they are capable of booking the facility. If the City enters into a relationship with Cirque Du Soleil, the contract with SMG has an out clause that allows the City to sever the Jackie Gleason component.

Discussion continued.

Vice-Mayor Gross suggested negotiating how much of the fee is attributable for managing the Jackie Gleason, and in addition, figuring out the when the theatre will be operating during the transitional period. Max Sklar to handle.

Doug Tober, Senior General Manager with SMG, stated that SMG is not issuing contracts beyond March 10, 2007 until further direction is received.

Vice-Mayor Gross asked for the status of Cirque Du Soleil negotiations.

Jorge Gonzalez, City Manager, stated that the Cirque Du Soleil item has to be heard in a series of public hearings; pursuant to the City Commission's request; then discussed at Finance and Citywide Projects Committee, and since this is a development agreement, the first reading would be scheduled in July, and a second reading in September. He added that construction is contemplated to start in March.

12:21:43 p.m.

Supplemental Materials: Resolution

R7H A Resolution Ratifying Emergency Expenditures To Ashbritt, Inc. For Disaster Recovery Services For Hurricane Katrina, In The Amount Of \$1,264,258.32., ~~And For Hurricane Wilma, In The Estimated Amount Of \$5,219,176.39.~~

(Procurement)

ACTION: Resolution No. 2006-26203 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer.

Jorge Gonzalez, City Manager, stated that the agenda title in the Agenda Book is incorrect in including Hurricane Wilma. Those expenditures have not been compiled yet. He also stated that the City's cost for debris removal was \$144,000 or 10% of what was spent.

Commissioner Libbin complimented the Administration for being able to recover 92% of the expenditure.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:**Golf Advisory Committee:**

Leon Theichner Term expires 12/31/07 Appointed by Commissioner Libbin TL 12/13

Production Industry Council:

Allee Newhoff-Mendoza Term expires 12/31/06 Appointment Commissioner Steinberg TL 12/13

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: No appointments made.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: Martin Stanley stated that he submitted an application for an appointment to the Housing Authority as the Tenant Commissioner, and it would be an honor to serve on this board.

Vice-Mayor Gross explained that Mayor Dermer makes those appointments and advised him to contact the Mayor's Office.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: No speakers.

R9C Discussion Regarding A Resolution Authorizing The Donation Of Two (2) Used 1997 Ford E40 Fire Rescue Vehicles And One (1) 1998 Ford E40 Fire Rescue Vehicle, In "As Is" Condition, To The Firefighters Of Our Sister City Of Ica, Peru.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item moved to Consent Agenda as item C7Q.

10:40:54 a.m.

R9D Request By The Law Firm Of Akerman Senterfitt For A Waiver Of Conflict Of Interest In Representing Cirque Du Soleil In Its Negotiations With The City Of Miami Beach Of An Agreement(s) For The Exclusive Use Of The Jackie Gleason Theater Of The Performing Arts For A Permanent Cirque Du Soleil Show.

(City Attorney's Office)

ACTION: Discussion held. Motion made by Commissioner Steinberg to approve the waiver; seconded by Commissioner Bower; Voice-vote: 6-0; Absent: Commissioner Garcia.

Jose Smith, City Attorney, stated that the firm of Akerman Senterfitt would like the City to grant a waiver of conflict of interest pursuant to the Florida Bar Rules so that they are able to represent Cirque Du Soleil in transactions with the City. He explained that this firm also represents the City of Miami Beach in labor related issues. The reason for this request, which is distinguishable from a prior request denied by the City Commission, is that the prior request was in regards to adversarial matters before the City. He stated that the firm has agreed that if there is litigation they will withdraw and there will be no contact or discussions between the labor issues and the Cirque Du Soleil issues since they have different counsels handling each issue. He recommended the granting of the waiver.

Commissioner Steinberg agreed to the request since it is not an adversarial situation. He stated that it has been agreed that if it ever comes to an adversarial position and there is litigation, they will not continue the representation.

Mr. Ronald Kriss, Akerman Senterfitt Law Firm, stated that this is correct.

R9E The Committee Of The Whole Will Meet During Lunch Break In The City Manager's Large Conference Room Regarding The Fiscal Year 2006/07 Proposed Operating Budget Request For The Office Of The Mayor And City Commission.

(Budget & Performance Improvement Office)

ACTION: The meeting was called to order at 12:45 p.m. Luis Wong, Office Manager for the office of the Mayor and City Commission presented the budget. The budget was approved by acclamation with no amendments. Absent: Vice-Mayor Gross and Commissioner Garcia.

Handout or Reference Materials:

1. Copy of LTC 128-2006 re: Committee of the Whole meeting

R9F Discussion Of Possible Settlement Of The Following Risk Management Claims: Fredricka Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Deceased Vs. City Of Miami Beach, Et AL, Eleventh Judicial Circuit Of Florida Case No. 99-3808 CA 27, And Rabbi Israel Poleyeff, As Personal Representative Of The Estate Of Eugenie Poleyeff, Deceased Vs. City Of Miami Beach, Et AL, Eleventh Judicial Circuit Of Florida Case No. 99-4209 CA 13. This Matter Involves A Double Drowning Which Took Place On February 20, 1997 On An Unguarded Beach.

(City Attorney's Office)

ACTION: Item withdrawn by the Legal Department.

Addendum:**10:38:24 a.m.**

R9G Discussion And Referral Regarding Proposed Amendment Allowing Cigar Vendors On Ocean Drive.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item referred. Item referred without objection to the Neighborhoods/Community Affairs Committee. Vivian Guzman to place on the committee agenda. **Jorge Gomez to handle.**

Addendum:**10:39:06 a.m.**

R9H Discussion Regarding Allowing Dogs At Outdoor Cafes.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Item referred. Item referred without objection to the Planning Board. Jorge Gomez to place on the committee agenda and to handle.

Addendum:

R9I Discussion Regarding A Resolution Urging Governor Jeb Bush To Veto A Bill That Would Eliminate The Miami-Dade County Ordinance Requiring Gas Stations To Have An Emergency Response Plan.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Item withdrawn by Commissioner Steinberg.

Handout or Reference Materials:

1. Email from Dolores Mejia dated May 9, 2006 re: Withdrawl of Gas Station item

Addendum:**7:19:36 p.m.**

R9J Discussion Regarding A Progress Report On The Ad Hoc Condominium Reform Taskforce.
(Requested by Commissioners Luis R. Garcia, Jr. & Matti Herrera Bower)

ACTION: Commissioner Garcia stated that the Taskforce is beginning to make headways. He would like to extend the Taskforce term for another six months. In addition, Commissioner Garcia and Commissioner Bower will alternate chairing the Taskforce so they can vote. The Taskforce was extended for six months without objection. Absent: Vice-Mayor Gross.

City Clerk's note: The original sunset date was June 7, 2006. The new Taskforce sunset date is December 7, 2006.

R10 - City Attorney Reports

R10A Notice Of Closed Executive Session.

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On May 10, 2006 In The City Manager's Large Conference Room, Fourth Floor, City Hall, For Discussion Regarding The Status Of Fraternal Order Of Police (FOP) Contract Negotiations.

(City Manager's Office)

ACTION: Closed Executive Session held.

R10B Notice of Closed City Commission Session.

Pursuant To Section 768.28, Florida Statutes, A Closed City Commission Session Will Be Held During Lunch Recess Of The City Commission Meeting On May 10, 2006 To Discuss The Following Risk Management Claims:

Frederica E. Breaux, As Administratrix Of The Estate Of Zachary Charles Breaux, Deceased Vs. City Of Miami Beach, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-3808 CA 27 And Rabbi Israel Poleyeff, As Personal Representative Of The Estate Of Eugenie Poleyeff, Deceased, Vs. Sevilla Beach Hotel Corporation, Et. Al. Eleventh Judicial Circuit, General Jurisdiction, Case No. 99-04209 CA 13

The Closed City Commission Session Will Be Held In The City Manager's Large Conference Room, Fourth Floor, City Hall.

Therefore Attorney/Client sessions will be held during the lunch recess of the City Commission in the City Manager's Large Conference Room on the fourth floor, to discuss settlement negotiations and/or strategy relating to litigation expenditures with regard to the above matters. Mayor Dermer will announce the commencement of the Attorney/Client sessions at that time.

ACTION: Item withdrawn by the City Attorney.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report – March 2006.

(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

12:2419 p.m.

- E Status Report On The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)

ACTION: Written report submitted. Oral report given by Jorge Gonzalez, City Manager.

Vice-Mayor Gross requested an oral report.

Jorge Gonzalez, City Manager, stated that the City is making progress and the pool should be completed by September.

Commissioner Libbin stated that he thought the City was targeting to complete the pool by the end of summer at around August, and that it did not pay to give a \$100,000 incentive the last week before school starts. He stated that there has been a delay in the completion time.

Jorge Gonzalez, City Manager, stated that there is visible progress being made to both the park and the pool. The structure has a roof, there is roof work being done to the picnic pagoda damaged by the hurricanes, there is landscaping being done to the park area, a lot of the plumbing for the pool has been installed, and soon the building interior work will begin. He met with The Corradino Group and expressed the City's desire to have this project done as quickly as possible.

- F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

May 10, 2006

Chairman of the Board David Dermer	Absent
Member of the Board Matti Herrera Bower	
Member of the Board Simon Cruz	
Member of the Board Luis R. Garcia, Jr.	Absent
Member of the Board Saul Gross	
Member of the Board Jerry Libbin	
Member of the Board Richard L. Steinberg	

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of March 2006.
(Finance Department)

ACTION: Written report submitted.

2. NEW BUSINESS

11:59:02 a.m.

- A A Resolution Of The Chairman And Members Of The Redevelopment Agency Of The City Of Miami Beach, Florida (RDA), Appropriating Funds, In A Not To Exceed Amount Of \$1,094,816, For Amendment No. 5, To The Design/Build Agreement Between The City And RIC-Man International, Inc., For The Washington Avenue Improvements Project, Phases II, IV, And V, Said Amendment To Provide Design, Permitting, Construction And Construction Administration Services, For The Implementation Of The 16th Street Drainage And Other Miscellaneous Improvements; Further Appropriating Funds, In The Amount Of \$52,600, For Cip Management Fees; With All Appropriated Funds To Be Provided From City Center Redevelopment Agency Funds. **Joint City Commission And Redevelopment Agency**
(Capital Improvement Projects)

ACTION: Item heard in conjunction with Item R7D Resolution No. 528-2006 adopted. Motion made by Commissioner Bower; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Garcia. Tim Hemstreet to handle.

End of RDA Agenda

Consent Agenda, May 10, 2006

Meeting adjourned 7:22:08 p.m.